

WEST VALLEY CITY REDEVELOPMENT AGENCY

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE
REDEVELOPMENT AGENCY OF WEST VALLEY CITY
TO ACQUIRE, BY NEGOTIATION OR CONDEMNATION,
COMMERCIAL REAL PROPERTY WITHIN PHASE 2 OF
THE "CITY CENTER COMMUNITY DEVELOPMENT
PROJECT AREA PLAN" DATED SEPTEMBER 14, 2006
AND AMENDED AUGUST 22, 2007.**

WHEREAS, the Redevelopment Agency of West Valley City (the "Agency") was created to transact the business and exercise the powers provided for in the former Utah Neighborhood Development Act, the former Utah Redevelopment Agencies Act and the current Utah Community Development and Renewal Agencies Act and any successor law or act (the "Act")

WHEREAS, pursuant to the Act, the Agency may purchase, receive, hold, sell, lease, convey, and dispose of real property for the benefit of the Agency, the Agency may also acquire property by eminent domain if the Agency has (a) made a finding of blight within the Project Plan Area, (b) authorized acquisition of property by use of eminent domain within the Project Area Plan, and (c) commences the acquisition by eminent domain prior to January 10, 2010; and

WHEREAS, on June 1, 2004 the Agency made a finding of blight within the proposed "City Center Community Development Project Area Plan"; and

WHEREAS, when initially adopted the "City Center Community Development Project Area Plan" (the "Project Area") did not authorize acquisition of property by eminent domain, however the Plan was amended on August 22, 2007 and approved on October 2, 2007, authorizing the Agency to acquire property by eminent domain; and

WHEREAS, prior to commencing acquisition by eminent domain, the Agency must receive written petitions from the owners of at least Seventy-Five percent (75%) of the commercial property representing Sixty Percent (60%) of the value of the commercial property within the relevant area as defined by the Act, for the purposes of this Resolution the relevant area consists of Phase 2 of the Project Area; and

WHEREAS, the Agency has received petitions from owners of greater than seventy-five percent of the commercial property representing greater than sixty percent of the value of the commercial property within the relevant area requesting the Agency acquire property by eminent domain, if necessary; and

WHEREAS, Board of Directors of the Redevelopment Agency of West Valley City, Utah, has determined that it is in the best interests of the health, safety and welfare of the citizens of West Valley City to acquire property within the City Center Community Development Project Area through use of eminent domain, if necessary; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Redevelopment Agency of West Valley City, Utah, that the Agency, is authorized to acquire real property, within the Area by use of eminent domain, subject to the requirements of the Act; and

BE IT FURTHER RESOLVED that should negotiations to acquire the property be unsuccessful, and the use of eminent domain or other legal action be necessary, the Agency, through its legal counsel, is authorized to undertake condemnation action or such other legal action as may be necessary to acquire, in the name of the Agency, all interests in commercial property located within the relevant area and in accordance with the applicable statutes relating to eminent domain and, if necessary, to make application for an Order of Immediate Occupancy, permitting the City to take immediate possession of the above-described real property.

PASSED, APPROVED, and MADE EFFECTIVE this _____ day of _____, 2009.

REDEVELOPMENT AGENCY
OF WEST VALLEY CITY

CHAIR

ATTEST:

SECRETARY